

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

| | |
|------------------------|---------------------------------|
| Attorney Docket No. | 4002-2802/PC635.00 |
| First Inventor | Lukas Eisermann |
| Title | INTERVERTEBRAL PROSTHETIC JOINT |
| Express Mail Label No. | EL916999598US |

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

Assistant Commissioner for Patents
ADDRESS TO: Box Patent Application
Washington, DC 20231

1. *Fee Transmittal Form (e.g., PTO/SB/17)
(submit an original and a duplicate for fee processing)

2. Applicant claims small entity status.

3. Specification [Total Pages 35]
(preferred arrangement set forth below)
- Descriptive title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference sequence listing, a table, or a computer program listing appendix or computer program listing appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)

8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
a. Computer Readable Form (CRF)
b. Specification Sequence Listing on:
 CD-ROM or CD-R (2 copies); or
 paper
c. Statements verifying identity of above copies

J1040 U.S.P.T.O.
10/042599
01/09/024. Drawing(s) (35 U.S.C. 113) [Total Sheets 6]
 Informal Formal5. Oath or Declaration [Total Pages 4]

a. Newly executed (original or copy)
b. Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 18 completed)
i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 C.F.R. §§
1.63(d)(2) and 1.33(b).

6. Application Data Sheet. See 37 CFR 1.76**ACCOMPANYING APPLICATION PARTS**

9. Assignment Papers (cover sheet & document(s))

10. 37 C.F.R. § 3.73(b) Statement Power of Attorney
(when there is an assignee)

11. English Translation Document (if applicable)

12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations

13. Preliminary Amendment

14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)

16. Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach form PTO/SB/35 or its equivalent.

17. Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP)

of prior application No: _____

Prior application information: Examiner: _____

Group / Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

| | | | | |
|--|--|-----------|----------------|---|
| <input type="checkbox"/> Customer Number or Bar Code Label | (Insert Customer No. or Attach bar code label here) | | | <input type="checkbox"/> Correspondence address below |
| Name | Woodard, Emhardt, Naughton, Moriarty and McNett | | | |
| Address | Bank One Center/Tower 111 Monument Circle, Suite 3700 | | | |
| City | Indianapolis | State | IN | Zip Code |
| Country | USA | Telephone | (317) 634-3456 | Fax (317) 637-7561 |
| Name (Print/Type) | Brad A. Schepers | | | Registration No. (Attorney/Agent) 45,431 |
| Signature | <i>Brad A. Schepers</i> | | | Date January 9, 2002 |

Express Mail Label Number EL916999598US**Date of Deposit January 9, 2002**

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington DC 20231.

Brad A. Schepers
Signature of person mailing paper or fee

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

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FEE TRANSMITTAL FOR FY 2002

Patent fees are subject to annual revision.

Complete if Known

| | |
|----------------------|-----------------|
| Application Number | New |
| Filing Date | January 9, 2002 |
| First Named Inventor | Lukas Eisermann |
| Group Art Unit | |
| Examiner Name | |

Total Amount of Payment (\$ 1,224.00)

Attorney Docket Number 4002-2802/PC635.00

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

23-3030

Deposit Account Name Woodard, Emhardt, Naughton, Moriarty & McNett

 Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17 Applicant claims small entity status. See 37 CFR 1.27. Payment Enclosed: Check Credit Card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------|----------------|-----------------|------------------------|----------|
| 101 | 740 | 201 | 370 | Utility Filing Fee | 740 |
| 106 | 330 | 206 | 165 | Design Filing Fee | |
| 107 | 510 | 207 | 255 | Plant Filing Fee | |
| 408 | 740 | 208 | 370 | Reissue Filing Fee | |
| 114 | 160 | 214 | 80 | Provisional Filing Fee | |
| SUBTOTAL (1) (\$ 740) | | | | | |

2. EXTRA CLAIM FEES

| Total Claims | 40 | -20** = | 20 | Extra Claims | Fee From Below | Fee Paid |
|--------------------|----|---------|----|--------------|----------------|----------|
| Independent Claims | 4 | -3** = | 1 | X | 18 | 360 |
| Multiple Dependent | | | | X | 84 | 84 |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|--------------------------|-----------------|----------------|-----------------|---|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 84 | 202 | 42 | Independent claims in excess of 3 |
| 104 | 280 | 204 | 140 | Multiple dependent claim, if not paid |
| 109 | 84 | 209 | 42 | **Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$ 444.00) | | | | |

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

| 3. ADDITIONAL FEES | | | | | Fee Description | Fee Paid |
|------------------------------------|--------|-----|--------|--|-------------------------|----------|
| 105 | 130 | 205 | 65 | Surcharge – late filing fee or oath | | |
| 127 | 50 | 227 | 25 | Surcharge – late provisional filing fee or cover sheet | | |
| 139 | 130 | 139 | 130 | Non-English specification | | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for <i>ex parte</i> reexamination | | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner | | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | | |
| 116 | 400 | 216 | 200 | Extension for reply within second month | | |
| 117 | 920 | 217 | 460 | Extension for reply within third month | | |
| 118 | 1,440 | 218 | 720 | Extension for reply within fourth month | | |
| 128 | 1,960 | 228 | 980 | Extension for reply within fifth month | | |
| 119 | 320 | 219 | 160 | Notice of Appeal | | |
| 120 | 320 | 220 | 160 | Filing a brief in support of an appeal | | |
| 121 | 280 | 221 | 140 | Request for oral hearing | | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | | |
| 140 | 110 | 240 | 55 | Petition to revive – unavoidable | | |
| 141 | 1,280 | 241 | 640 | Petition to revive – unintentional | | |
| 142 | 1,240 | 242 | 620 | Utility issue fee (or reissue) | | |
| 143 | 460 | 243 | 230 | Design issue fee | | |
| 144 | 620 | 244 | 310 | Plant issue fee | | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | | |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | | 40.00 |
| 146 | 740 | 246 | 370 | Filing a submission after final rejection (37 CFR 1.129(a)) | | |
| 149 | 740 | 249 | 370 | For each additional invention to be examined (37 CFR 1.129(b)) | | |
| 179 | 740 | 279 | 370 | Request for Continued Examination (RCE) | | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | | |
| Other Fee (specify) | | | | | | |
| * Reduced by Basic Filing Fee Paid | | | | | SUBTOTAL (3) (\$ 40.00) | |

Other Fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 40.00)

SUBMITTED BY

Name (Print/Type) Brad A. Schepers

Registration No.
(Attorney/Agent)

45,431

Complete (if applicable)

Signature



Date

January 9, 2002

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.